IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 33863 of 2006(F)

PETITIONERS:

1. **PADMAJA. C., JUNIOR PUBLIC HEALTH NURSE, PHC AMARAMBALAM, P.O.KAVALAMUKKATTA, MALAPPURAM DISTRICT.**
2. **PRASANNA KUMARI. T.M. JUNIOR PUBLIC HEALTH NURSE, PHC EDAKKARA, MALAPPURAM DISTRICT.**
3. **M.K.SANTHAKUMARI, JUNIOR PUBLIC HEALTH NURSE, PHC THRIKKALANGODE, MANCHAPATTA P.O., MALAPPURAM DISTRICT.**
4. **P.K. PRASANNAKUMARI, JUNIOR PUBLIC HEALTH NURSE, PHC MANKADA, MALAPPURAM DISTRICT.**
5. **V.B. LATHA, JUNIOR PUBLIC HEALTH NURSE, PHC WANDOOR, MALAPPURAM DISTRICT.**
6. **M. LAILA, JUNIOR PUBLIC HEALTH NURSE, PHC PANDIKKAD, MALAPPURAM DISTRICT.**
7. **PREMAKUMARI P., JUNIOR PUBLIC HEALTH NURSE, PHC MELATTUR, MALAPPURAM DISTRICT.**
8. **T.R. PREMAKUMARI, JUNIOR PUBLIC HEALTH NURSE, PHC MAMPAD, MALAPPURAM DISTRICT.**
9. **K. SUHARABI, JUNIOR PUBLIC HEALTH NURSE, PHC MAMPAD, MALAPPURAM DISTRICT.**

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10. LAKSHMI K.C., JUNIOR PUBLIC HEALTH NURSE, PHC EDAVANNA, MALAPPURAM DISTRICT.

11. RADHAMKUMARI, JUNIOR PUBLIC HEALTH NURSE, PHC PANDIKKAD, MALAPPLURAM DISTRICT.

12. N.N. USHADEVI, JUNIOR PUBLIC HEALTH NURSE, PHC KARUVARAKKUNDU, MALAPPURAM DISTRICT.

13. LAKSHMI. P., JUNIOR PUBLIC HEALTH NURSE, PHC THIRUVALI, MALAPPURAM DISTRICT.

14. INDIRADEVI P.P., JUNIOR PUBLIC HEALTH NURSE, PHC EDAVANNA, MALAPPURAM DISTRICT.

15. RADHA. M., JUNIOR PUBLIC HEALTH NURSE, PHC EDAVANNA, MALAPURAM DISTRICT.

16. ZAINABA T., JUNIOR PUBLIC HEALTH NURSE, PHC CHEACODE, MALAPPURAM DISTRICT.

17. GIRIJA. T., JUNIOR PUBLIC HEALTH NURSE, PHC URANGATTIRI, MALAPPURAM DISTRICT.

18. V. DEVAKI, JUNIOR PUBLIC HEALTH NURSE, PHC WANDOOR, MALAPPURAM DISTRICT.

19. K.U. SUSAMMA, JUNIOR PUBLIC HEALTH NURSE, PHC WANDOOR, MALAPPURAM DISTRICT.

20. SALY THOMAS, JUNIOR PUBLIC HEALTH NURSE, PHC PORUR, MALAPPURAM DISTRICT.

21. GEETHA. P., JUNIOR PUBLIC HEALTH NURSE, PHC KALIKAVU, MALAPPURAM DISTRICT.

22. LUCY JOHN, JUNIOR PUBLIC HEALTH NURSE, PHC KALIKAVU, MALAPPURAM DISTRICT.

23. P.T. VIJAYALAKSHMI, JUNIOR PUBLIC HEALTH NURSE, PHC CHOKKAD, MALAPPURAM DISTRICT.

24. LEELAVATHI N.P., JUNIOR PUBLIC HEALTH NURSE, PHC PORUR, MALAPPURAM DISTRICT.

(.....3)

25. VASUMATHI. N., JUNIOR PUBLIC HEALTH NURSE, TALUK HEAD QUARTERS HOSPITAL, NILAMBUR.

26. ZAINA P.P., JUNIOR PUBLIC HEALTH NURSE, PHC KONDOTTY, MALAPPURAM DISTRICT.

27. MADHAVIA. E., JUNIOR PUBLIC HEALTH NURSE, PHC KONDOTTY, MALAPPURAM DISTRICT.

28. K. SARADA, JUNIOR PUBLIC HEALTH NURSE, PHC THRIKKALANGODE, MANCHAPATTA P.O., MALAPPURAM DISTRICT.

29. B. SASIKALA, JUNIOR PUBLIC HEALTH NURSE, PHC PANDIKKAD, PANDIKKAD P.O., MALAPPURAM DISTRICT.

30. C.K. PUSHPALATHA, JUNIOR PUBLIC HEALTH NURSE, PHC MORAYUR, MORAYUR P.O., MALAPPURAM DISTRICT.

31. VAHEEDAS RAHMAN, JUNIOR PUBLIC HEALTH NURSE, PHC KARULAI, MALAPPURAM DISTRICT.

32. R. SOBHANAKUMARI, JUNIOR PUBLIC HEALTH NURSE, PHC KONDOTTY, MALAPPURAM DISTRICT.

33. K. MADHAVI, JUNIOR PUBLIC HEALTH NURSE, PHC ELANKUR, MALAPPURAM DISTRICT.

34. C.V. PUSHPAVALLY, JUNIOR PUBLIC HEALTH NURSE, PHC KONDOTTY, MALAPPURAM DISTRICT.

35. KALLIANI. V., JUNIOR PUBLIC HEALTH NURSE, PHC NEDIYIRUPPU, CHIRAYIL P.O., MALAPPURAM DISTRICT.

36. DEVAKI. C., JUNIOR PUBLIC HEALTH NURSE, PHC POOKKOTTUR, MALAPPURAM DISTRICT.

37. SOBHANA. C.K., JUNIOR PUBLIC HEALTH NURSE, PHC NEDIYIRUPPU, CHIRAYI P.O., MALAPPURAM DISTRICT.

38. K.P. SREEDEVI, JUNIOR PUBLIC HEALTH NURSE, PHC THIRUVALI, PUNNAPPALA P.O., MALAPPLURAM DISTRICT.

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39. AYISHAKUTTY P., JUNIOR PUBLIC HEALTH NURSE, PHC ANAKKAYAM, KADAMBODE P.O., MALAPPURAM DISTRICT.

40. M.K. SHEELA, JUNIOR PUBLIC HEALTH NURSE, PHC EDAVANNA, MALAPPURAM DISTRICT.

41. CHANDRIKA BABY, JUNIOR PUBLIC HEALTH NURSE, PHC VAZHIKKADAVU, MALAPPURAM DISTRICT.

42. N. SHEELA, JUNIOR HEALTH NURSE, TALUK HEADQUARTERS HOSPITAL, TIRUR, MALAPPURAM DISTRICT.

43. PREMALATHA. P., JUNIOR PUBLIC HEALTH NURSE, PHC THANALUR, MALAPPURAM DISTRICT.

44. K. SANTHA, JUNIOR PUBLIC HEALTH NURSE, PHC CHEEKKODE, MALAPPURAM DISTRICT.

45. A. SAROJINI, JUNIOR PUBLIC HEALTH NURSE, PHC KONDOTTY, MALAPPURAM DISTRICT.

46. REJINI DEVI T., JUNIOR PUBLIC HEALTH NURSE, PHC KONDOTTY, MALAPPURAM DISTRICT.

47. E. RUGMINI, JUNIOR PUBLIC HEALTH NURSE, PHC PANG, MALAPPURAM DISTRICT.

48. PADMINI. N.A., JUNIOR PUBLIC HEALTH NURSE, PHC KALIKAVU, MALAPPURAM DISTRICT.

49. K.S. JAYASREE, JUNIOR PUBLIC HEALTH NURSE, PHC OZHUR, MALAPPURAM DISTRICT.

50. SREEDEVI. R., JUNIOR PUBLIC HEALTH NURSE, PHC OZHUR, MALAPPURAM DISTRICT.

51. K. NIRMALA, JUNIOR PUBLIC HEALTH NURSE, PHC VETTAM, MALAPPURAM DISTRICT.

52. T. THANKAN, JUNIOR PUBLIC HEALTH NURSE, PHC TRIPRANGODE, MALAPPURAM DISTRICT.

BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA
SMT.RAGAM.S.MOHAN

(.....5)

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMESNT OF HEALTH AND FAMILY WELFARE SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF HEALTH SERVICES, THIRUVANANTHAPURAM.**

3. **THE DISTRICT MEDICAL OFFICER OF HEALTH, MANJERI, MALAPPURAM DISTRICT.**

BY GOVT. PLEADER SHRI.P.NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007, ALONG WITH WP(C).No.33927/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.33863/2006.

Petitioners' Exhibits:-

P1: Copy of the representation dtd.30-6-2006 filed by the 1st petitioner before the 3rd respondent.

P2: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 1st petitioner.

P3: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 2nd petitioner.

P4: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 3rd petitioner.

P5: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 4th petitioner.

P6: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 5th petitioner.

P7: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 6th petitioner.

P8: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 7th petitioner.

P9: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 8th petitioner.

P10: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 9th petitioner.

P11: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 10th petitioner.

P12: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 11th petitioner.

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P13: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 12th petitioner.

P14: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 13th petitioner.

P15: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 14th petitioner.

P16: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 15th petitioner.

P17: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 16th petitioner.

P18: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 17th petitioner.

P19: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 18th petitioner.

P20: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 19th petitioner.

P21: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 20th petitioner.

P22: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 21st petitioner.

P23: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 22nd petitioner.

P24: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 23rd petitioner.

P25: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 24th petitioner.

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P26: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 25th petitioner.

P27: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 26th petitioner.

P28: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 27th petitioner.

P29: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 28th petitioner.

P30: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 29th petitioner.

P31: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 30th petitioner.

P32: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 31st petitioner.

P33: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 32nd petitioner.

P34: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 33rd petitioner.

P35: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 34th petitioner.

P36: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 35th petitioner.

P37: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 36th petitioner.

P38: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 37th petitioner.

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P39: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 38th petitioner.

P40: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 39th petitioner.

P41: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 40th petitioner.

P42: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 41st petitioner.

P43: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 42nd petitioner.

P44: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 43rd petitioner.

P45: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 44th petitioner.

P46: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 45th petitioner.

P47: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 46th petitioner.

P48: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 47th petitioner.

P49: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 48th petitioner.

P50: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 49th petitioner.

P51: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 50th petitioner.

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P52: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 51st petitioner.

P53: Copy of the Order No.A4/16102/06 18-8-2006 of the 3rd respondent issued to the 52nd petitioner.

Respondents' Exhibits:- Nil.

-// true copy //-

P.A. to Judge.

kvs/-

K.K.DENESAN, J.

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WP(C).NOs.33863 & 33927 OF 2006.
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Dated this the 16th day of March, 2007.

J U D G M E N T

The petitioners have approached this Court with a common grievance, and hence, these writ petitions are disposed of by this common judgment.

2. In WP(C).No.33927/2006 there are 13 petitioners and in WP(C).No.33863/2006 there are 52 petitioners. They belong to the category of Junior Public Health Nurses. The order impugned is that of the District Medical Officer of Health, Manjeri, the 3rd respondent. The request made by the petitioners for counting provisional service for the limited purpose of granting increments stands rejected. The reason for rejection is that the pay scale of the post in which the petitioners had worked on provisional basis and the pay scale of the same post they are holding subsequently on regular basis are different.

2. The impugned orders show that the difference in the pay scale was brought about by the revision of pay scales. The question for consideration is not res integra. A Division Bench of this Court in *Hussain v. Kerala Water Authority* (1996(2) KLT 555) has laid down the law that difference in the pay scales consequent on revision of pay scales shall not be treated as disparity while considering the claim for the grant of increments based on Government Decision No.2 below Rule 33 of Part I Kerala Service Rules.

3. It is seen that the petitioners commenced regular service prior to 1-10-1994. That being the position, they are entitled to count their provisional service in the same post prior to their regularisation for the limited purpose of grant of increments. It is so declared. In the circumstances, there shall be an order directing the 3rd respondent to reckon the provisional service of the petitioners for the purpose of increments, work

out the monetary benefits due accordingly and disburse the same within three months from the date of receipt of a copy of this judgment.

K.K.DENESAN, JUDGE.

kvs/-